REMARKS

The Office Action mailed December 23, 2003, has been carefully reviewed and Applicant notes with appreciation the identification of allowed subject matter.

By this Amendment, claims 2-4 and 11 have been canceled, claims 1, 8, 9 and 10 have been amended. Claims 1, 5, 6 and 8-10 are pending in the application.

As a preliminary matter, while the first line of the Detailed Action states that the current Office Action is "final", in the overlying Office Action Summary the Examiner affirmatively checked the box indicating that the current Action is "non-final". Furthermore, the Detailed Action did not include the standard paragraphs at the conclusion thereof which are used to convey the implications of final status. Accordingly, in Applicant's view the Examiner intended the Action to be "non-final" and Applicants have herein proceeded on that basis.

The Examiner rejected claims 1, 3, and 9 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,400,377 to Hiraka et al. ("Hiraka") in view of U.S. Patent No. 5,331,337 to Kabeya et al. ("Kabeya"), U.S. Patent No. 6,129,449 to McCain et al. ("McCain") and newly cited U.S. Patent No. 5,287,514 to Gram. The Examiner also rejected claims 2-4 as being unpatentable over Hiraka, Kabeya, McCain, and Gram and further in view of U.S. Patent No. 5,717,848 to Watanabe et al. ("Watanabe"). The Examiner objected to claims 8, 10 and 11 as being dependent upon a rejected base claim, but stated that claims 8, 10 and 11 would be allowable if rewritten in independent form including all of the limitations of the underlying base claim and any intervening claims. Claims 5 and 6 are allowed.

As set forth in claim 1, which has amended to incorporate the subject matter of claims 2 and 3, the present invention is directed to a picture adjustment method for a video display appliance for providing diverse picture adjustment functions through a plurality of picture adjustment OSDs. The method includes the steps of entering a menu for determining an accessibility or inaccessibility of picture adjustment OSDs and storing information on the accessibility or inaccessibility of each picture adjustment OSD in a memory.

If entry into a picture adjustment process is commanded after the determination of the accessibility or inaccessibility of the picture adjustment OSDs, a plurality of picture adjustment OSDs are displayed in colors corresponding to the pre-determined accessibility of the picture adjustment OSDs. If a command for picture adjustment is inputted through any one of the displayed picture adjustment OSDs, any one of the plurality of picture adjustment OSDs is displayed as a first picture adjustment OSD and the method checks whether the first picture adjustment OSD corresponding to the command is accessible; if the user requests display of an alternative picture adjustment OSD while displaying the first picture adjustment OSD, the method displays the alternative picture adjustment OSD.

The picture adjustment is performed in accordance with the inputted command for picture adjustment if the corresponding picture adjustment OSD is accessible and, if the corresponding picture adjustment OSD is not accessible, the inputted command for picture adjustment is ignored. The prior art does not teach or suggest this method as now more fully set forth in claim 1.

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Hiraka is directed to a video adjustment system which includes menus for adjusting

contrast, brightness, etc., through icons appearing on the display screen of a video monitor, and

Gram teaches a system and method for customizing a computer system user interface to display

only desired menu items. Given the combination of these two references, there would be no

motivation to further modify Hiraka with Watanabe because, under the teaching of Gram, undesired

menu items are not displayed but are removed (see column 4, line 62 to column 5, line 21). Since

menus that are not accessible would be most likely to be considered "undesirable", there would be

no incentive to incorporate a teaching that is contradictory to Gram, namely to include an

inaccessible menu in a different color, when Gram teaches that such undesired menus are handled

by being removed from the display. Accordingly, the combination of prior art cited would not be

suggested to one of ordinary skill. Therefore, claim 1 as amended is patentable over the prior art

and favorable reconsideration thereof is requested.

Claim 9 has been amended to include the limitations of claim 11 and therefore is in

condition for allowance in accordance with the Examiner's identification of allowable subject

matter in claim 11. Claims 8 and 10 have also been rewritten in independent format to include the

limitations of the underlying base claim and therefore are in condition for allowance in accordance

with the Examiner's identification of allowable subject matter therein. Claims 5 and 6 are allowed.

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With the amendments set forth herein, the application is believed to be in condition

for allowance. Should the Examiner have any questions or comments, the Examiner is cordially

invited to telephone the undersigned attorney so that the present application can receive an early

Notice of Allowance.

Respectfully submitted,

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